
By: **Delegates Boteler, Cluster, Bromwell, DeBoy, Frank, Impallaria,
McDonough, and Weir**

Introduced and read first time: February 13, 2004

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Family Law - Termination of Parental Rights and Adoption - Rights of**
3 **Foster Parents**

4 FOR the purpose of expanding the rights of foster parents to include the right to
5 adopt a child placed in the foster parent's home for at least 1 year except under
6 certain circumstances; altering a certain time period after which a local
7 department of social services is required to file or join a petition for termination
8 of parental rights; and generally relating to termination of parental rights and
9 adoption.

10 BY repealing and reenacting, with amendments,
11 Article - Family Law
12 Section 5-504
13 Annotated Code of Maryland
14 (1999 Replacement Volume and 2003 Supplement)

15 BY repealing and reenacting, with amendments,
16 Article - Family Law
17 Section 5-525.1(b)
18 Annotated Code of Maryland
19 (1999 Replacement Volume and 2003 Supplement)
20 (As enacted by Chapter 213 of the Acts of the General Assembly of 2002)

21 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
22 MARYLAND, That the Laws of Maryland read as follows:

23 **Article - Family Law**

24 5-504.

25 (a) Foster parents in this State have the following rights:

1 (1) the right, at the initial placement, at any time during the placement
2 of a child in foster care, and as soon as practicable after new information becomes
3 available, to receive full information from the caseworker, except for information
4 about the family members that may be privileged or confidential, on the physical,
5 social, emotional, educational, and mental history of a child which would possibly
6 affect the care provided by a foster parent;

7 (2) with regard to the local department of social services case planning,
8 the right to:

9 (i) except for meetings covered by the attorney-client privilege or
10 meetings in which confidential information about the natural parents is discussed, be
11 notified of, and when applicable, be heard at scheduled meetings and staffings
12 concerning a child in order to actively participate, without superseding the rights of
13 the natural parents to participate and make appropriate decisions regarding the
14 child, in the case planning, administrative case reviews, interdisciplinary staffings,
15 and individual educational planning and mental health team meetings;

16 (ii) be informed of decisions made by the courts or a child welfare
17 agency concerning a child; and

18 (iii) provide input concerning the plan of services for a child and to
19 have that input given full consideration by the local department of social services;
20 [and]

21 (3) the right to be given reasonable written notice, waived only in cases
22 of a court order or when a child is determined to be at imminent risk of harm, of plans
23 to terminate the placement of a child with a foster parent; AND

24 (4) THE RIGHT TO ADOPT A CHILD WHO HAS BEEN PLACED IN THE
25 FOSTER PARENT'S HOME FOR AT LEAST 1 YEAR, UNLESS A RELATIVE OF A NATURAL
26 PARENT OF THE ADOPTEE HAS AN INTEREST IN ADOPTING THE CHILD.

27 (b) This section does not create, and may not be construed to create, a cause of
28 action for foster parents.

29 5-525.1.

30 (b) (1) Except as provided in paragraph (3) of this subsection, a local
31 department to which a child is committed under § 5-525 of this subtitle shall file a
32 petition for termination of parental rights or join a termination of parental rights
33 action that has been filed if:

34 (i) the child has been in an out-of-home placement for [15] 12 of
35 the most recent 22 months;

36 (ii) a court finds that the child is an abandoned infant; or

37 (iii) a court finds that the natural parent has been convicted:

1 1. in this State of a crime of violence, as defined in § 14-101
2 of the Criminal Law Article, against the child, the other natural parent of the child,
3 another child of the natural parent, or any person who resides in the household of the
4 natural parent;

5 2. in any state or in any court of the United States of a crime
6 that would be a crime of violence, as defined in § 14-101 of the Criminal Law Article,
7 if committed in this State against the child, the other natural parent of the child,
8 another child of the natural parent, or any person who resides in the household of the
9 natural parent; or

10 3. of aiding or abetting, conspiring, or soliciting to commit a
11 crime described in item 1 or item 2 of this item.

12 (2) For purposes of this subsection, a child shall be considered to have
13 entered an out-of-home placement 30 days after the child is placed into an
14 out-of-home placement.

15 (3) A local department is not required to file a petition or join an action
16 if:

17 (i) the child is being cared for by a relative;

18 (ii) the local department has documented in the case plan, which
19 shall be available for court review, a compelling reason why termination of parental
20 rights would not be in the child's best interests; or

21 (iii) the local department has not provided services to the family
22 consistent with the time period in the local department's case plan that the local
23 department considers necessary for the safe return of the child to the child's home.

24 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
25 October 1, 2004.